

29

Docket No.: N0484.70331US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10-07-10

Applicant: Scott Anthony Morgan et al.
Serial No.: 09/213,856
Confirmation No.: 6318
Filed: December 17, 1998
For: SPEECH COMMAND INPUT RECOGNITION SYSTEM FOR
INTERACTIVE COMPUTER DISPLAY WITH INTERPRETATION
OF ANCILLARY RELEVANT SPEECH QUERY TERMS INTO
COMMANDS
Examiner: A. A. Armstrong
Art Unit: 2626

Certificate of Electronic Filing Under 37 CFR 1.8
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).
Dated: October 7, 2010
Signature: Elisabeth Dunker (Elisabeth Dunker)

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS

On August 11, 2010, the Office of Petitions mailed a Decision On Petition in response to the Petition To The Director Of the USPTO Under 37 C.F.R. §1.181 filed on July 16, 2006. The Decision On Petition indicated that the Petition Under 37 C.F.R. §1.181 is dismissed, but indicated that if proof that a terminal disclaimer was filed on October 6, 2004 were submitted, the Petition Under 37 C.F.R. §1.181 would be reconsidered. Proof of the filing of the terminal disclaimer is submitted herewith, and reconsideration of the petition is respectfully requested.

Specifically, a Notice of Abandonment was mailed March 22, 2005 which indicated that this application was abandoned as a result of Petitioner's failure to take appropriate action following the September 22, 2004 decision from the Board of Patent Appeals and Interferences (BPAI). In the

Petition Under 37 C.F.R. §1.181 filed on July 16, 2006, the Petitioner pointed out that, after the decision from the BPAI, a terminal disclaimer was filed on October 6, 2004, which put all of the claims of this application in condition for allowance. Petitioner argued that the Examiner should have taken action in this application once the terminal disclaimer was filed.

In the Decision on Petition, the Office of Petitions agrees that the Examiner should have taken up action after the filing of such a terminal disclaimer, but indicates that no terminal disclaimer is of record in the application. The Decision indicates that if proof of filing of the terminal disclaimer is submitted, the Petition Under 37 C.F.R. §1.181 will be reconsidered.

The current assignee of the present application, Nuance Communications, Inc., acquired this application from the previous assignee after the filing of the Petition Under 37 C.F.R. §1.181. However, based upon a review of the file, it appears that the previous assignee did file a terminal disclaimer on October 6, 2004. Specifically, the current assignee found a Response and a terminal disclaimer (with a signed Certificate of Facsimile Transmission) dated October 6, 2004 in the file, along with an Auto-Reply Facsimile Transmission from the USPTO that confirms receipt of these papers by the USPTO on October 6, 2004. Copies of the response and terminal disclaimer filed on October 6, 2004 along with the Auto-Reply Facsimile Transmission from the USPTO confirming receipt of these papers are attached hereto.

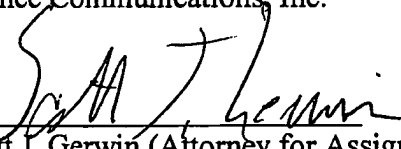
In view of the evidence of submission of a terminal disclaimer on October 6, 2004, reconsideration of the Petition Under 37 C.F.R. §1.181 is respectfully requested.

CONCLUSION

In view of the above, the assignee respectfully requests that Petition under 37 C.F.R. §1.181 be granted. The assignee believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. N0484.70331US00 from which the undersigned is authorized to draw.

Dated: October 7, 2010

Respectfully submitted,
Nuance Communications, Inc.

By 
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